

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

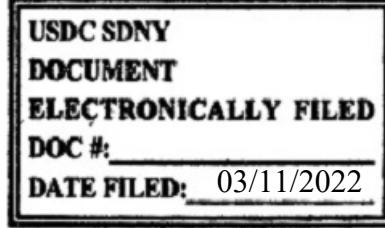
TOMAS GABRIEL CAEL, et al.,

Plaintiffs,

-against-

SITE 25 RESTAURANT CONCEPTS, LLC  
d/b/a WEI WEST, et al.,

Defendants.



21-CV-8692 (AJN) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The Court is in receipt of the parties' letters dated February 23 (Dkt. No. 32), March 1 (Dkt. No. 35), and March 4, 2022 (Dkt. No. 36). On reflection, it appears that the Court acted prematurely in staying this case (Dkt. No. 34) prior to full briefing regarding the extension of the automatic bankruptcy stay to non-debtor defendant Alan Phillips. Unfortunately, as a result of the timing of the Court's prior order, Phillips was required to (and did) file papers in opposition to plaintiff's pending motion for conditional collective certification, but plaintiff has not been required to file any reply papers, thus leaving the motion only partially briefed.

Given plaintiff's position that this action should *not* be stayed as against Phillips, it is hereby ORDERED that the stay is LIFTED for the following limited purposes:

1. Plaintiff shall, on or before **March 25, 2022**, file his reply papers in support of conditional collective certification of plaintiff's FLSA claim (Count I of his Complaint) *as against Phillips*, including any modifications to his proposed order and consent form necessary to account for the bankruptcy stay as against the corporate defendant, Site 25.
2. No later than **April 1, 2022**, after meeting and conferring in good faith, the parties shall submit either (a) a joint letter (if they are in agreement) or (b) separate letters (if they cannot agree) as to whether the stay should be lifted entirely as to

defendant Phillips and, if so, what discovery schedule should be set for the litigation of plaintiff's claims against Phillips. The letters may not exceed four pages each but may be accompanied, if appropriate, by a proposed scheduling order.

3. If the parties are in disagreement, the Court will hold a conference on **April 6, 2022, at 10:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, at which they may present additional argument as to whether the stay should be lifted as to Phillips and/or what discovery schedule should be set.

Dated: New York, New York  
March 11, 2022

**SO ORDERED.**



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**BARBARA MOSES**  
United States Magistrate Judge